

(e) In instances where an easement is terminated or extinguished, NRCS shall collect CCC's share of the conservation easement based on the appraised fair market value of the conservation easement at the time the easement is extinguished or terminated. CCC's share shall be in proportion to its percentage of original investment.

(f) In the event NRCS determines it must exercise its rights identified under a conservation easement or other interest in land, NRCS shall provide written notice by certified mail to the grantee at the grantee's last known address. The notice will set forth the nature of the noncompliance by the grantee and a 60-day period to cure. If the grantee fails to cure within the 60-day period, NRCS shall take the action specified under the notice. NRCS reserves the right to decline to provide a period to cure if NRCS determines that imminent harm may result to the conservation values or other interest in land it seeks to protect.

[74 FR 2818, Jan. 16, 2009, as amended at 74 FR 31581, July 2, 2009]

§ 1491.31 Appeals.

(a) A person or eligible entity which has submitted an FRPP proposal and is therefore participating in FRPP may obtain a review of any administrative determination concerning eligibility for participation utilizing the administrative appeal regulations provided in 7 CFR part 614.

(b) Before a person or eligible entity may seek judicial review of any administrative action taken under this part, the person or eligible entity must exhaust all administrative appeal procedures set forth in paragraph (a) of this section, and for the purposes of judicial review, no decision shall be a final Agency action except a decision of the Chief of the NRCS under these provisions.

(c) Enforcement action undertaken by the NRCS in furtherance of its vested property rights are under the jurisdiction of the Federal District Court and not subject to review under administrative appeal regulations.

§ 1491.32 Scheme or device.

(a) If it is determined by the NRCS that a cooperating entity has employed a scheme or device to defeat the purposes of this part, any part of any program payment otherwise due or paid such a cooperating entity during the applicable period may be withheld or be required to be refunded with interest thereon, as determined appropriate by NRCS on behalf of CCC.

(b) A scheme or device includes, but is not limited to, coercion, fraud, misrepresentation, depriving any other person or entity of payments for easements for the purpose of obtaining a payment to which a person would otherwise not be entitled.

PART 1492 [RESERVED]

PART 1493—CCC EXPORT CREDIT GUARANTEE PROGRAMS

Subpart A—Restrictions and Criteria for Export Credit Guarantee Programs

Sec.

- 1493.1 General statement.
- 1493.2 Purposes of programs.
- 1493.3 Restrictions on programs and cargo preference statement.
- 1493.4 Criteria for country allocations.
- 1493.5 Criteria for agricultural commodity allocations.
- 1493.6 Additional required determinations for GSM-103.

Subpart B—CCC Export Credit Guarantee Program (GSM-102) and CCC Intermediate Export Credit Guarantee Program (GSM-103) Operations

- 1493.10 General statement.
- 1493.20 Definition of terms.
- 1493.30 Information required for program participation.
- 1493.40 Application for a payment guarantee.
- 1493.50 Certification requirements for obtaining payment guarantee.
- 1493.60 Payment guarantee.
- 1493.70 Guarantee rates and fees.
- 1493.80 Evidence of export.
- 1493.90 Certification requirements for the evidence of export.
- 1493.100 Proof of entry.
- 1493.110 Notice of default and claims for loss.
- 1493.120 Payment for loss.
- 1493.130 Recovery of losses.
- 1493.140 Miscellaneous provisions.